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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/772,551 | 02/04/2004 | Warren R. Wilkins | 14760 | 5496 |
| 23676 | 7590 | 07/27/2004 | EXAMINER | |
| SHELDON & MAK, INC 225 SOUTH LAKE AVENUE 9TH FLOOR PASADENA, CA 91101 | | | SMITH, JAMES G | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3765 | |

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/772,551 | Applicant(s) WILKINS, WARREN R. | |
| | Examiner James G Smith | Art Unit 3765 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7, 8, 10, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Debronsky, Jr. et al. (5,797,142). Debronsky discloses a washcloth that is structurally adapted to perform as a handkerchief having a base layer of soft absorbent material and a pouch layer of soft layer of material attached to base layer forming a pouch thereon. The article of Debronsky is sized within the limitations set forth in Claims 1, 7, 8, 13, and 14. With respect to Claim 2, the base layer and the pouch layer are both made of cloth. With respect to Claim 3, the base layer and the pouch layer are made of terry cloth. With respect to Claim 10, the pouch layer shown in FIG. 2B is U-shaped.

3. Claims 1, 2, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sutton (2,119,895). Sutton discloses a washcloth that is structurally adapted to perform as a handkerchief having a base layer of soft absorbent material and a pouch layer of soft layer of material attached to base layer forming a pouch thereon. Washcloths are well known to be within the range of 9 square inches and 576 square inches. With respect to Claim 2, the base layer and the pouch layer are both made of cloth. With respect to Claim 11, the pouch is rectangular shaped.

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4. Claims 1, 2, 11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Moss (5,326,610). Moss discloses a washcloth that is structurally adapted to perform as a handkerchief having a base layer of soft absorbent material and a pouch layer of soft layer of material attached to base layer forming a pouch thereon. Washcloths are well known to be within the range of 9 square inches and 576 square inches. With respect to Claim 2, the base layer and the pouch layer are both made of cloth. With respect to Claim 11, the pouch is rectangular shaped. With respect to Claim 13, the pouch opening is located between 2 and 4 inches below the upper edge of the base layer. With respect to Claim 14, the pouch extends downwardly below the pouch opening between 2 and 5 inches.

5. Claims 1, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Benedict (2,006,708). Benedict discloses a washcloth that is structurally adapted to perform as a handkerchief having a base layer of soft absorbent material and a pouch layer of soft layer of material attached to base layer forming a pouch thereon. Washcloths are well known to be within the range of 9 square inches and 576 square inches. With respect to Claim 9, the pouch is V-shaped. With respect to Claim 12, FIG. 3 shows a cross-section of the article having two separate pouches located side by side on the base layer.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss (5,325,610) in view of Orr (3,871,027). Moss essentially teaches the invention of Claim 4, but fails to teach the use of non-woven material, paper, or cellulose pulp for the base layer and the pouch layer. Orr discloses the use of non-woven material, paper, and cellulose pulp for making an absorptive pad similar to the invention of the instant application. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated any of the materials required in Claims 4-6, as taught by Orr, to increase the ability of the article to absorb liquids and lower manufacturing costs.

Allowable Subject Matter

8. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

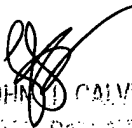
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G Smith whose telephone number is 703-605-4225. The examiner can normally be reached on 8:00-5:00, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS
7/25/2004


JOHN J. CALVERT
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 3700